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No. 130

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Here is a promise from God for today. It is as sure as it was when it was spoken by Isaiah so long ago. Hear this word for today! "Fear not, for I am with you; be not dismayed, for I am your God. I will strengthen you, yes, I will help you, I will uphold you with My righteous right hand."—Isaiah 41:10.

Let us pray.

Dear God, we claim this promise as we begin this day's work. Your perfect love casts out fear. Your grace and goodness give us the assurance that You will never leave nor forsake us. Your strength surges into our hearts. Your divine intelligence inspires our thinking. We will not be dismayed, casting about furtively for security in anything or anyone other than You. Fortified by Your power, help us to focus on the needs of others around us and of our Nation. May this be a truly great day as we serve You. Bless the Senators as they place their trust in You and follow Your guidance for our Nation. You, dear God, are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 2, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

### SCHEDULE

Mr. REID. Madam President, today the Senate will resume consideration of the Defense authorization bill, with approximately 25 minutes to be equally divided prior to a 10 a.m. cloture vote. I just left the majority leader and he hopes we can invoke cloture and we can complete consideration of this bill today. The two managers have worked extremely hard. They were here until 8 last night working on as many amendments as they could clear.

The Senate will be in recess from 12:30 to 2:15 for the weekly party conferences.

I am on the floor a lot. I appreciate the work done by the managers of the legislation. The work done by Senators LEVIN and WARNER has been exemplary. They have worked diligently and very closely, trying to work on this most important piece of legislation.

I say to everyone, Democrats and Republicans, it would be a tremendous blow to these two men and how hard they have worked—as well as to the

Senate and this country—if cloture is not invoked on this most important piece of legislation.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1438, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the chairman and ranking member or their designees.

The Senator from Virginia.

Mr. WARNER. Madam President, I first thank the assistant majority leader for his words on this subject. I associate myself with the need to move forward on this bill. I am going to vote for cloture. I am about to leave and go into my party's conference and so indicate and encourage others to do likewise.

Madam President, when I looked at the television this morning and saw our President with the leadership reconciling differences, such as the budget, our President moving to make the tough decision, but it is a correct one given the security arrangements in place, to open National Airport, these are bold initiatives. Now the Senate has the opportunity to move forward and complete today a bill for the men and women of the Armed Forces, men

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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and women who, with their families, are now preparing to face an unknown situation but facing it with commitment and courage. I hope this Senate stands tall behind them and moves forward with this legislation.

I ask my distinguished chairman to allocate a few minutes of his time to me. I have reserved the equal amount of time for those who may wish to come to the floor in opposition to this cloture motion. I stand strongly in favor of it so America can move forward and we can support the men and women of the Armed Forces of the United States and their families.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Michigan.

Mr. LEVIN. First, I thank my dear friend from Virginia for all his work on this bill, for his comments, his determination to proceed on a bipartisan basis to a real test of wills. This vote we are now about to cast will decide whether we are going to have this year a Defense authorization bill which will provide funds for our military, pay raises for our men and women in the military, housing allowances which are desperately needed, the equipment that they need in order to prepare and to go to war, should that be their fate, and it surely looks as though that is now clearly ahead.

What we are hoping for, looking for this morning, is a strong bipartisan expression of national resolve and national unity by voting for cloture on this bill. It is the only way we will complete action on this bill. There has been an effort to debate matters on this bill that are unrelated, important matters but not matters that are directly related to providing and equipping the men and women in our forces.

This is the bill that provides the authorization required by the Department of Defense for their programs for the year 2002 that also includes the provisions for the Department of Energy. The bill is consistent with the national security priorities of the President of the United States and the Secretary of Defense. At a time when we are deploying forces around the world and mobilizing our National Guard and Reserve units to augment our active forces, it is a bill which is essential to our national security.

I am hoping that any partisan differences will be set aside. I am hoping that differences over particular provisions can be set aside. None of us agree with every provision in this bill. Some of us have taken steps to make sure that this bill could pass on a bipartisan basis and some of those steps have been very difficult steps for many of us to take. Many of us have had to take steps to preserve our rights to debate certain issues at a later time rather than at this moment in our history. I know that personally because I am one of those persons who has had to make a decision on language which I crafted and fought so hard for in committee as chairman, to set aside that issue—not

to bury it; we are talking here national missile defense, but to save that debate for another day when two things could happen.

One, we could debate it in an environment which makes it possible for the pros and cons of that issue to be debated; second, at least to have a chance of prevailing on the issue, which is not possible under the current circumstances.

Nonetheless, the point is, some of us, on both sides of the aisle, have taken difficult steps. Some who oppose the BRAC provision, by the way—I am looking at our Presiding Officer—are faced with a decision: Will they vote for cloture on a bill which contains a provision to which they object? This was a close vote on BRAC, something like 53-47, if I remember. That means some of us who very much oppose that provision are now faced with a cloture vote. Are they going to vote to bring to an end debate on a bill that contains a provision to which they so strongly object? I am confident that most of the Senators who voted against the BRAC provision nonetheless will see that the bill overall is essential to our national security and to the well-being of our forces and to their success.

This bill contains a pay raise for military members that ranges from 5 percent to 10 percent depending on grade, the largest pay raise in two decades. We have been making progress on pay by the way. The last administration, as well as this one, has been making significant progress in making more adequate our pay for men and women in the Armed Forces. So we have the largest pay raise in two decades. We have authority and authorization for funding to increase the basic allowance for housing to eliminate the difference between the allowance that military members receive and the actual out-of-pocket expenses, and we are doing this now, a full 2 years earlier than the Defense Department's plan. So we are trying to eliminate that differential a lot faster than we had planned.

Our bill extends and modifies the authority to pay 18 different bonuses and special pays to military members in order to recruit and retain a high-quality force. We authorize new accession bonuses for military services to offer officers in critical skills. We authorize funding for a new TRICARE for Life Program that we enacted last year for military retirees over the age of 65.

All of this is hanging in the balance. The question is whether or not those who favor a debate on a comprehensive energy bill are going to use that issue and their inability to get it debated on this bill as an excuse to vote against this bill, or whether or not some who oppose the BRAC provision are now going to vote against cloture in order to bring down a bill which contains provisions which are so critical to the well-being of the men and women in the military and the success of their operations.

There are many other provisions in this bill which I will just briefly summarize. We have multiyear authority for the F-18E/F and the C-17 aircraft programs. We have a new round, as I have mentioned, of base closures in the year 2003, which the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have told us is critically needed for the improvement of DOD facilities in the future. We repeal a limit on the dismantlement of certain strategic delivery systems.

The last administration wanted us to get rid of this restriction. The uniformed military wanted us to get rid of this restriction. Their civilian leadership wants to get rid of this restriction. This administration wants to get rid of the restriction in order to reduce the size of our offensive nuclear forces. We have missiles that our military does not want—nuclear-capable missiles with nuclear warheads on them. The military says: we do not want them; we do not need them; it costs us money to maintain them. Yet Congress has forced the military to keep these systems that they do not want. This administration says please get rid of this limit. The last administration said please get rid of it. Again, our administration and military want us to get rid of it.

Congress now has a chance to get out of this artificial and costly and ineffective restriction on the limitation/reduction of nuclear forces.

We have had a lot of opportunities to amend this bill. We have been debating it over the course now of 6 days. We have adopted 76 amendments. Two amendments have been tabled. One amendment has been withdrawn. We have tried to get a finite list of amendments so debate could be finally brought to an end, so we could finally have a bill. As is usually done in the Senate, an effort is made to say bring your amendments here, tell us what you want to offer, and let's agree on a so-called finite list of amendments.

There has been an unwillingness to do that. The people who are trying to bring to the floor a debate on a matter unrelated to the matters in this bill have said they will not agree to such a finite list. So here we are in a situation where we have no way to bring debate on this bill to an end without cloture. We are more than willing to consider any relevant amendment, any germane amendment. But what we cannot do is just set aside the Defense authorization bill to begin a week-long or month-long debate on an energy bill. That is what we cannot do if we are going to act on behalf of the men and women in the Armed Forces, and to try to assure their success when they go into combat.

So that is the dilemma that we have had. The managers have worked hard, as Senator REID has mentioned. I thank him very much for his comments. Our leadership has worked hard to get that finite list. We have not been able to do it. Now we face a very clear

vote as to whether or not we are going to demonstrate the support for our Armed Forces by voting for cloture on this bill. That is the simple issue. It has come down to that. We are not trying to preclude anybody from offering a relevant or germane amendment. Quite the opposite. We have been here now for days saying bring your amendments to the floor.

It is going to come down to this vote. I am very much afraid that unless we get cloture the Defense authorization bill, so important to our forces, is going nowhere this year. That would be a horrendous message to send to the men and women and to the Nation and to the world. I hope that message will not be sent; rather, a message of unity and determination will be sent by a strong bipartisan vote for cloture on this bill.

Madam President, I know there are others who are going to want to speak between now and 10 o'clock. I will reserve the remainder of my time. I know Senator WARNER has his time, the remainder, reserved. I wonder if we could ask the Chair how much time we each have reserved?

The ACTING PRESIDENT pro tempore. The majority has 2 minutes and the minority has 10 minutes 45 seconds.

Mr. LEVIN. I thank the Chair. I do not see anyone else who wants to speak, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that the Senator from Oregon be granted 3 minutes without changing the time for the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Madam President, I urge my colleagues to support Chairman LEVIN on cloture this morning.

As our country prepares to go to war against terrorism, this is not the time to be taking urgently needed national defense legislation hostage.

Protecting our Nation's energy infrastructure from attacks may well need to be part of our national defense strategy. But there is not one single provision in the energy legislation that some want to graft onto the defense bill that will in any way help protect our energy facilities from attack.

In fact, one of the bills that some are claiming is urgently needed for our energy security would actually undermine the security of our oil supply—by allowing Alaskan oil to be exported overseas.

While the House energy bill would restrict exporting of oil from the Arctic

refuge, a Senate version of that bill would allow that same oil—that some are claiming we need to reduce our dependence on foreign oil—to be exported overseas. Those who claim we need to address energy policy as part of the defense bill can't even seem to agree whether we need to restrict Alaskan oil exports in order to increase our energy security.

The issue of energy security and the role of Alaskan oil ought to be debated in the Senate, but it should be done as part of the debate on energy policy.

I think this is particularly important for all the residents of the west coast of our country because it is clear that it is a very tight market on the west coast of the United States. We have seen again and again evidence that the markets on the west coast have been manipulated, that oil has been sold to Asia at a discount, and the companies then make up for it by sticking it to consumers in Oregon, Washington, and California.

This is an extraordinarily important issue. One version that has been presented to the Senate would allow the oil that is so important to our country to reduce our dependence on foreign oil to be exported. We aren't going to improve our Nation's energy security by short-circuiting the process on this legislation.

I urge my colleagues to support Chairman LEVIN and support cloture this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, in the weeks since September 11, Congress has risen to the occasion and worked in a bipartisan manner to address the many problems caused by the atrocities committed against our country. The American public can be proud of how their elected representatives have responded to this grave national emergency. I am proud of our performance.

But I am worried that in a few minutes, the Senate may undo all our good work of the past three weeks, bring an end to the bipartisan cooperation that has distinguished this institution, and give the public a reason to be ashamed of us.

Obviously, with America at war, the Defense authorization bill may be the most important legislation we will pass since September 11. Recognizing that importance, Democrats and Republicans on the Armed Services Committee have worked together to resolve differences that might have imperiled the bill's passage and threaten our bipartisan cooperation.

The chairman of the committee, Senator LEVIN, has agreed at the minority's urging to remove a provision in the bill restricting the administration's ability to develop a ballistic missile defense. I commend the Senator for that act of statesmanship, and for keeping his priorities straight in this critical hour.

Regrettably, some senators have decided that passing a defense authoriza-

tion bill should take a backseat to fighting over our differences on energy policy and to denying the President, the Joint Chiefs and the Secretary of Defense the ability to reorganize our military to respond to the new threats that confront this nation.

Every civilian and uniformed leader of the United States armed forces has recognized that an additional round of base closings will be necessary to reorganize the military. We cannot, in this national emergency, let our parochial concerns override the needs of the military.

Nor should we insist on fighting over our differences on energy policy if the consequence of our insistence is that we fail to provide the military with the resources they need to maintain their readiness as they prepare to wage what the President has correctly called a "new kind of war." There will be time enough for that debate. But not now, not on this bill.

I beg my colleagues to continue to distinguish themselves and the Senate by keeping the national interest first, second and last, to work together, as the country expects and needs us to, and to surrender, if only temporarily, the habits of partisanship and parochialism that have no place in this crisis.

Madam President, I ask unanimous consent that letters from Secretary Rumsfeld and Chairman Shelton to Senators LEVIN and WARNER be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,  
Washington, DC, September 21, 2001.

Hon. CARL LEVIN,  
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to underscore the importance we place on the Senate's approval of authority for a single round of base closures and realignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished.

Since that fateful day, the Congress has provided additional billions of taxpayer funds to the Department. We owe it to all Americans—particularly those service members on whom much of our response will depend—to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platforms from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to base structure are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources. The authority to realign and close bases and facilities will be a critical element of ensuring the right mix of bases and forces within our warfighting strategy.

No one relishes the prospect of closing a military facility or even seeking the authority to do so, but as the President said last evening, "we face new and sudden national challenges," and those challenges will force us to confront many difficult choices.

In that spirit, I am hopeful the Congress will approve our request for authority to

close and realign our military base facilities. Thank you for the opportunity to provide our views in this important matter.

Sincerely,

DONALD RUMSFELD.

WASHINGTON, DC,  
September 25, 2001.

Hon. JOHN WARNER,  
Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: As the full Senate deliberates the FY 2002 Defense Authorization Bill I would like to reiterate how critically important it is that Congress authorize another round of base closures and realignments.

Last Thursday the President outlined a sustained campaign to combat international terrorism. The efficient and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool our forces will need to become more efficient and serve as better custodians of the taxpayers money. As I mentioned before, there is an estimated 23 percent under-utilization of our facilities. We can not afford the cost associated with carrying this excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet our current national security needs.

I know you share my concerns that additional base closures are necessary. The Department is committed to accomplishing the required reshaping and restructuring in a single round of base closures and realignments. I hope the Congress will support this effort.

Sincerely,

HENRY H. SHELTON,  
Chairman of the Joint Chiefs of Staff.

Mr. LIEBERMAN. Madam President, I rise today to express my strong opposition to the attempt to add energy legislation to the Defense authorization bill.

This debate comes at a moment of historic challenge. We are a nation poised for battle against a shadowy enemy that has as its aim the destruction of America and all that we stand for. Our President has prepared us for a sustained military campaign, and at this time there can be no higher priority than to pass this critical legislation to support our armed services and the men and women who we will send into this war to, literally, defend our freedom. In that context, the amendment is an unnecessary and divisive distraction from that high purpose, which ultimately will do little to strengthen our national security.

My friend from Oklahoma is right to be concerned about our national energy policy. In fact, I believe we must take a fresh look at our policies in light of the terrible events of September 11. In particular, we must look at the vulnerability of our energy infrastructure to terrorist attack, and refocus our energy policy to ensure that we address our weaknesses.

On that point, let me quote from a recent letter from a former Director of the CIA, a former Chairman of the Joint Chiefs of Staff, and the former National Security Adviser to President Reagan:

Our refineries, pipelines and electrical grid are highly vulnerable to conventional mili-

tary, nuclear and terrorist attacks. Disbursed, renewable and domestic supplies of fuels and electricity, such as energy produced naturally from wind, solar, geothermal, incremental hydro, and agricultural biomass, address those challenges.

The authors of the letter continue by stating that we must limit our vulnerabilities and increase our energy independence by passing, among other things, a Renewable Portfolio Standard. The energy proposal under consideration, however, does not include this innovative measure, or many of the other steps we can and must take to protect and enhance the security of energy infrastructure because it was drafted long before the terrible events of September 11 forced us to rethink our positions.

Just as problematic, these amendments would open the priceless Arctic National Wildlife Refuge for oil production. In the view of many, myself included, opening the refuge to drilling is not just bad environmental policy, it is bad energy policy and would do next to nothing to reduce our dependence on foreign oil. In fact, as we have repeatedly pointed out, the refuge would not provide a drop of oil for at least a decade. This 10-year figure is a conservative estimate that was made by the Department of Interior under President Reagan, and proof positive that ANWR is not the answer or even an answer to our current crisis, let alone our long-term needs.

What this proposal would do, however, is severely threaten a national environmental treasure, which is the last thing the American people would expect us to do at this moment of crisis. In times such as these, many of us found solace in nature, including many people at the heart of these horrific terrorist attacks. The New York times reported in the days following the attacks that Manhattan citizens were flocking to a garden in lower Manhattan to seek comfort, to grieve, and to connect with each other in sharing our grief.

In my view, we need to know that vast natural areas such as the Arctic refuge exist as we cope with the events of the past month. Nature reminds us of the eternal rhythms of life of which we are a part and which will endure over time. Ensuring an enduring refuge in the Arctic, no matter how uncertain other parts of our life may seem right now, provides us solace and perspective in these trying times. This crisis has reawakened us to the importance of protecting our values, and I believe that the Arctic wilderness has a place on that list.

The time to debate the merits of energy policy is not today, and not as an amendment to the Defense authorization bill. Debating the merits of these, and other, provisions will take time, time we do not have now. There will be deep divisions and much disagreement. As Senator MURKOWSKI said just last week, consideration of energy legislation on the defense bill is "inappro-

priate." "[T]here is a place for the consideration of domestic energy development. . . . That belongs in the energy bill where it should be debated by all individual members."

We should leave this Arctic refuge debate for another day and focus with intensity on the task at hand: supporting and strengthening our Armed Forces. This is not the time for the distraction and division that this amendment would create.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Madam President, I am pleased to say that my colleague, Senator MCCAIN, and I think one or two others in our conference strongly support cloture. I am pleased to say that I think momentarily the Senate will see a very strong vote in favor of cloture and for moving ahead on this bill. I thank my colleague, the Senator from Arizona, and others for their support in this matter.

I say to the chairman we will make as much progress as possible today, and we will have to vigilantly enforce the rules with regard to germaneness if we are to achieve our results. But we have stood steadfast on both sides of the aisle on behalf of the men and women of the Armed Forces. I am proud of the Senate on this day.

Mr. LEVIN. Madam President, I know the hour of 10 has arrived. I thank my good friend from Virginia for his work in his conference. I am optimistic, with his words now and with Senator MCCAIN's efforts and others in the Republican conference, that we now have an opportunity to get cloture. We hope that is true. We will find out shortly. The stakes here are great.

I yield any time that I have.

Mr. WARNER. Madam President, I wonder if we might extend the time of the vote by 2 minutes to allow the Senator from Alaska to address the Senate, and then the vote will take place at 10:02.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. Madam President, good morning. And I thank my good friend, Senator WARNER.

Let me indicate my support for the DOD authorization bill. It has never been my intent to block this legislation. However, as a consequence of the manner in which the objections were heard relative to the DOD authorization bill, and the effort to put H.R. 4, the House energy bill, as an amendment on it, I felt compelled to come before this body and ask the majority when we might take up an energy bill, a national energy security bill that addresses protecting the critical energy infrastructure of our Nation, whether it be electric reliability, pipeline safety, and provisions of the administration's energy security proposal. There were other issues relative to securing domestic supplies: Price Anderson, clean coal, ANWR, hydro provisions,

and a title reducing demand and increasing efficiencies.

I felt it imperative, based on the requests from the White House, the Vice President, and the Secretaries of Energy and Interior, that we have some assurance that the Senate will complete its work on a national energy security package. The House has done its work. H.R. 4 has passed the House of Representatives. Unfortunately, the majority did not see fit to give us an indication of whether or not we would likely take up an energy bill in the remainder of this session.

That was my request relative to the authorization bill pending before us this morning. We still have not received any assurance from the majority that they intend to take up a national energy security bill this session. I encourage them to reconsider that. I advise my colleagues that I will be pressing this issue on other opportunities before this body.

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) The Senator's time has expired.

Mr. MURKOWSKI. I thank the Chair and wish the occupant of the chair a good day. And I thank my friend, Senator WARNER.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 163, S. 1438, the Department of Defense authorization bill:

John Kerry, Jon Corzine, Debbie Stabenow, Byron Dorgan, Maria Cantwell, Patty Murray, Harry Reid, Zell Miller, Daniel Inouye, James Jeffords, Richard Durbin, Kent Conrad, Jack Reed, Charles Schumer, Joseph Lieberman, John Edwards, Tom Daschle, and Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—100

Akaka	Allen	Bayh
Allard	Baucus	Bennett

Biden	Feingold	Mikulski
Bingaman	Feinstein	Miller
Bond	Fitzgerald	Murkowski
Boxer	Frist	Murray
Breaux	Graham	Nelson (FL)
Brownback	Gramm	Nelson (NE)
Bunning	Grassley	Nickles
Burns	Gregg	Reed
Byrd	Hagel	Reid
Campbell	Harkin	Roberts
Cantwell	Hatch	Rockefeller
Carmahan	Helms	Santorum
Carper	Hollings	Sarbanes
Chafee	Hutchinson	Schumer
Cleland	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith (NH)
Collins	Jeffords	Smith (OR)
Conrad	Johnson	Snowe
Corzine	Kennedy	Specter
Craig	Kerry	Stabenow
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
Dayton	Landrieu	Thompson
DeWine	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lieberman	Voinovich
Dorgan	Lincoln	Warner
Durbin	Lott	Wellstone
Edwards	Lugar	Wyden
Ensign	McCain	
Enzi	McConnell	

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. I move to reconsider that vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to be recognized to bring up an amendment. Prior to that, I yield no longer than 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I did not hear what was asked.

Mr. INHOFE. Mr. President, I have asked to be recognized to bring up an amendment that is at the desk. However, in deference to the Senator from Arizona and the Senator from Oregon, I have yielded them 5 minutes, but I want to retain my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I do not intend to object, I wonder whether or not that amount of time is sufficient for both of them.

Mr. MCCAIN. It is sufficient.

Mr. LEVIN. Will the Senator yield 10 minutes if they need it?

Mr. INHOFE. Not to exceed 10 minutes. I amend my request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not take more than 1 minute because we need to move forward with this legislation. In fact, we need to move forward with it urgently. I hope there will be time agreements and amendments decided on so we can finish this bill today. We have to move on to airport security and other important issues.

(The remarks of Mr. MCCAIN and Mr. WYDEN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Oklahoma.

#### AMENDMENT NO. 1735

Mr. INHOFE. Mr. President, I call up amendment No. 1735, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1735.

(Purpose: To add an expression of the sense of the Senate on comprehensive national energy legislation that ensures the availability of adequate energy supplies to the Armed Forces)

On page 47, between lines 12 and 13, insert the following:

(e) SENSE OF SENATE ON AVAILABILITY OF ENERGY-RELATED SUPPLIES FOR THE ARMED FORCES.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am going to reread that because this is very simple. This is not the comprehensive amendment I had which would have put H.R. 4 into the Defense authorization bill.

There is no one in this Chamber who wants to have a Defense authorization bill more than I do. I will not jeopardize that. However, this amendment is simply a sense of the Senate on availability of energy-related supplies for the Armed Forces. It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on the comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure there is an adequate supply of energy for the Armed Forces.

The reason I am bringing this issue up is I cannot imagine that someone would not want to support it. Right now we are, as we all know—you have heard me say this many times—56.6 percent dependent upon foreign sources of oil for our ability to fight a war. Roughly half of that comes from the Middle East and the largest, fastest growing contributor to energy, to oil that is imported by the United States, is Iraq.

So what we are saying is we are dependent upon Iraq for our ability to fight a war against Iraq. Now, that is insane.

The very least we can do is recognize that energy is a national defense issue. So I ask for the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. NELSON of Florida. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:36 a.m., recessed until 10:54 a.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, before we recessed subject to the call of the Chair, I called up amendment No. 1735. I want to read it again because, as I stated before, to even consider that our energy dependence upon foreign sources is not a defense issue I think is ludicrous.

Instead of offering the long amendment, I have merely offered a sense-of-the-Senate amendment that says:

Sense of Senate on Availability of Energy-Related Supplies for the Armed Forces.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

I think the strongest point we can make about our dependency upon the Middle East is the fact that the most rapidly growing contributor to our energy supply in the Middle East, Iraq, is a country with which we are at war. It is absurd not to at least make this commitment as a sense of the Senate to get this done.

I ask this amendment be agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I make a motion that the Chair rule this amendment is dilatory.

Mr. INHOFE. Will the Senator withhold that motion for just a moment so I can ask a question?

Mr. REID. I will be happy to.

Mr. INHOFE. I assure you, if you make the motion and the Chair rules it is not in order—I think if the Chair read it very carefully, it would be in order, but if it rules that it is not in order, I will not challenge the ruling of the Chair for obvious reasons. I do want as much as anyone in the Senate an authorization to pass, and pass quickly. I know if we had that motion and overruled the ruling of the Chair, that would open it up and it would be disaster and we would not get a bill. So I would not do that. I am not going to.

I ask you not make that motion, but if you do make the motion, I encourage the Chair to realize and read—this is not the amendment I had before. This is merely directly relating to defense.

Mr. REID. Mr. President, I have been advised by my friend from Delaware he wishes to speak, and of course postcloture he has a right to speak for up to an hour. I would not stand in his way of doing that, so I withdraw my previous point of order.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I wanted to speak on a matter of strategic airlift capability, but I do not want to get in the way of the sense-of-the-Senate amendment of the Senator from Oklahoma. I would like to say this, if I could. Obviously, we are not going to vote on the energy package that the House passed as an amendment to this bill. The Senator from Oklahoma and I have spoken. I don't think that is appropriate. Having said that, if we have not learned any other lesson from the events of 3 weeks ago, I hope we have learned that this country needs an energy policy.

I finished my active-duty tour of the Navy in 1973 and went to the University of Delaware on the GI bill. My first recollection of being in Newark, DE, was sitting in a line trying to buy gas for my car. That was 28 years ago. We did not have an energy policy then; we don't have an energy policy today; and we need one today a lot more than we did then.

Mr. President, 28 years ago about a third of the oil we consumed in this Nation was coming from places outside of our Nation's border. Today it is almost 60 percent, and we still have no energy policy. My hope is that by the time we adjourn from this first session later this year, we will have taken up the legislation we are working on in the Energy Committee on which I serve and be in a position to go to conference with the House on a very important matter.

Mr. INHOFE. I say to my friend from Delaware, that is exactly what this amendment does. It is a sense of the Senate to do exactly what he has suggested. I certainly think it would be appropriate at this time to include this sense-of-the-Senate amendment.

Mr. CARPER. Mr. President, I retain my time. Whether this is germane or not I don't know, but I know the issue is relevant and it is an important issue for our country and for this body. It is my hope, speaking to my friend and our leader from Nevada, that before we leave here we will have taken up and passed a comprehensive energy policy for our country, which we desperately need.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the majority leader many times in the last week about this issue of energy policy. The majority leader, myself, and Senator LEVIN—if he were here—recognize the importance of developing an energy policy. I agree with my friend from Delaware.

I was Lieutenant Governor of the State of Nevada during that time. I came back and had meetings with Vice President Ford as a representative of the National Lieutenant Governors Conference. The purpose of that meeting was to talk about energy.

The first energy czar was a man named Bill Simon, who later came to the Department of Energy.

There is no question we need to do something about energy policy in this country. There is no question about it. Senator DASCHLE, the majority leader, realizes that. He wants to move to an energy bill just as quickly as is possible. But we have lots of problems in this country as a result of what happened on September 11 in New York.

It only exacerbates the problem as it relates to energy. We understand that. I have spoken to Senator BINGAMAN several times in the past week. He is doing his very best to report out a bill. I have spoken to the minority leader. The place that Republicans and Democrats want to go is basically the same. Probably 75 to 80 percent of the things that both parties want energywise we can all agree on. Some of the other things we can't agree on. One example, of course, is ANWR, which is a real problem.

We understand the intentions of the Senator from Oklahoma. I have spoken to him many times on this issue.

The majority leader is going to get to the energy bill—hopefully this year—as quickly as he can. We know we have to do something with an airline safety bill. We have a stimulus package. We have workers who have been displaced. We have to do something about that. We have to finish this very important Defense bill. It is important. We are so happy that the Senate invoked cloture. We have 13 appropriations bills we have to complete. We have a lot of work to do. The majority leader recognizes that more than anybody else.

Mr. President, I make a point of order that the amendment filed by my friend from Oklahoma is dilatory.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don't know what the order is right now. The Senator from Delaware may have the floor. Is that correct?

The PRESIDING OFFICER. The floor is open.

Mr. INHOFE. Mr. President, I understand what the Senator from Nevada, the distinguished assistant majority leader, said. The problem is that we have been talking about this now—I personally, since the eighties when then-Secretary of the Interior Don Hodel and I would tour the Nation to explain to the Nation that our dependency on foreign sources of oil for our ability to fight a war was not an energy issue; it was a national security issue. At that time, we were 37-percent dependent on foreign sources of oil for